

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Deutsche Bank Trust Company Americas
formerly known as Banker's Trust
Company, as Trustee and Custodian by:
Saxon Mortgage Services, Inc. f/k/a
Meritech Mortgage Services, Inc. as its
attorney-in-fact

Plaintiff,

vs.

Monica L. Holliday Kelly aka Monica L.
Holliday, et al.

Defendants.

Case No. 1:07-cv-1139

Judge Christopher A. Boyko

ORDER CANCELLING SALE
PROCEEDINGS, VACATING
JUDGMENT, AND DISMISSING
CASE

This matter is before the Court on the motion of Plaintiff for an order cancelling sale proceedings, vacating the judgment and decree of foreclosure entered in this case under Fed. R. Civ. P. 60(b)(5) and for an order dismissing this case under Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Court hereby grants Plaintiff's motion. The judgment and decree of foreclosure entered in this case is hereby vacated and this action is hereby dismissed without prejudice at Plaintiff's costs. ~~The Clerk is hereby ordered to distribute \$500.00 from Plaintiff's deposit to master commissioner Daniel J. Ryan and the remaining \$630.00 to Plaintiff.~~ *The Clerk is ordered to distribute CAB, J.*

IT IS SO ORDERED.

Christopher A. Boyko
Christopher A. Boyko
UNITED STATES DISTRICT JUDGE

November 5, 2008